

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**EXCEPTIONS OF THE MORGAN, SANGAMON, AND
SCOTT COUNTIES LAND PRESERVATION GROUP**

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as "MSSCLPG"), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O'Brien of McNamara & Evans, and for its Exceptions, states as follows:

1. These Exceptions relate to that portion of the Proposed Order from Meredosia to Pawnee, Illinois, the segment along which members of MSSCLPG have an interest. These Exceptions will not address nor express an opinion as to the Pawnee Substation. MSSCLPG is filing a Brief on Exceptions contemporaneously herewith.
2. MSSCLPG takes exception to that portion of the Proposed Order commencing on p. 75, Item No. 8, with the language, "To begin, the Commission finds [. . .]" through p. 76, concluding with the language, "[. . .] are taken into account." It is respectfully requested that such language be stricken from the Proposed Order and that in the place and stead of said language, the following language be inserted into the Proposed Order submitted to the Commission, to wit:

8. Commission Conclusion

The Commission notes that Commission Staff, the Ruholl Family, and MSSCLPG support the MSCLTF route. The Commission further notes that this is the route that MSCLTF previously proposed as its alternate route and no evidence has been presented by MSCLTF that any of its members would be adversely affected by the MSCLTF route. It is further noted by the Commission that the Pearce Family had proposed a portion of the MSCLTF route (the route that follows the existing 138 kV line) as a modification in the event ATXI's proposed Alternate Route were not utilized. As set forth in the testimony of Kenneth Humphreys, chief executive officer of FutureGen, and as is further set forth in Intervenor MSSCLPG Cross Exhibit 1, which was admitted into evidence herein, the route following the existing 138 kV line from Meredosia to Pawnee would substantially resolve FutureGen's concerns presented by the proposed Primary Route.

Taking into consideration the evidence presented, the following chart sets forth the proposed routing options and the respective affected parties.

MEREDOSIA - PAWNEE

Route:	Alternate Route/Rebuttal Recommended Route	Primary Route	Primary Route w/Pearce Modification	MSCLTF Route (existing 138 kV line)
Intervenors whose interests will be adversely affected:	MSSCLPG, Ruholl Family	FutureGen, Pearce Family	FutureGen	NONE

The Commission must find that the project is the least-cost means if it is to issue an order herein authorizing the project in question. The Commission considers not only the cost of construction, but also externalities, when determining the least-cost means. As is set forth above, it appears that all intervenors, even stipulating intervenors, will not be adversely affected by the MSCLTF route. There exists very clear evidence that the cost of construction of the MSCLTF route, utilizing the existing 138 kV line, will be approximately \$36,782,000 less than the ATXI Rebuttal Recommended Route. The following table contains cost figures furnished by ATXI and affirmed during the cross-examination of Staff Witness Rockrohr on May 13, 2013. (MSSCLPG Cross Exhibit 2) The Commission cannot simply disregard this significant cost savings in reaching its decision herein.

Route Option	Baseline Cost Estimate	Cost Comparison
Alternate Route/Rebuttal Recommended Route	\$144,205,000	Costliest
Primary Route	\$129,077,000	\$15.1 million less than Rebuttal Recommended Route
Primary Route w/Pearce Modification	\$128,189,000	\$16 million less than Rebuttal Recommended Route
MSCLTF Route (existing 138 kV line)	\$107,423,000	\$36.8 million less than Rebuttal Recommended Route

The Commission's analysis of the routing criteria discussed in the positions of the parties indicates that on many issues, such as environmental impact, impacts on historical resources, social and land use impacts or visual impact, there is little preference between the Stipulated Route or the MSCLTF Route. While the Commission recognizes that some parties have indicated a route will impact a historical site, absent clear evidence of the fact, the Commission is inclined to give little weight to that assertion. It is clear from the evidence presented that as to the length of each proposed route; the MSCLTF Route is the shortest of the proposals. ATXI, however, suggests that when considering difficulty and cost of construction, or difficulty and cost of operation and maintenance; the Stipulated Route is preferable to any of the other proposals. The Commission is concerned however, that ATXI is willing to concede that paralleling a route segment to an existing transmission line is acceptable in some instances, while not preferable in other situations, while failing to adequately identify the differences which cause it to lean one way or the other.

Although MSCLTF briefed the case, the Commission cannot and will not assume facts not in evidence. MSCLTF alleges it consists of forty-one members. Not one of these members testified. These witnesses are within the control of MSCLTF. The failure of MSCLTF to call any of these witnesses within its control is troubling to the Commission. It gives rise to the presumption that the testimony of such witnesses would be unfavorable to the witnesses.

Having reviewed the evidence of record, and upon consideration of all relevant route selection criteria described by the parties, the Commission finds that the MSCLTF route is the least-cost means of constructing the project.


[End of proposed replacement language]

3. MSSCLPG does not take exception to that portion of the Proposed Order for the segment from Meredosia to Pawnee which summarizes the arguments of the parties. The undersigned would simply note that arguments are not evidence and that the Proposed Order must make findings of fact based upon the evidence.

ORAL ARGUMENT REQUESTED

MSSCLPG respectfully requests Oral Argument before the full Commission. This is a massive case which has proceeded on an expedited basis and the undersigned would respectfully submit that the Commission would be aided in reaching a just conclusion if the parties are afforded the opportunity to orally present their respective cases.

Respectfully Submitted,
Morgan, Sangamon, and Scott Counties
Land Preservation Group,
By and through its attorneys,



Edward D. McNamara, Jr.
Joseph H. O'Brien

VERIFICATION


STATE OF ILLINOIS }
 }SS
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute these Exceptions; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

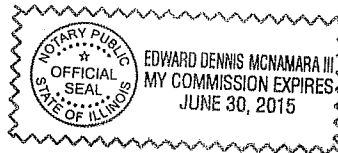
Subscribed and Sworn to before me
this 18th day of July, 2013.



Edward D. McNamara, Jr.




Notary Public



CERTIFICATE OF SERVICE

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Exceptions on the individuals shown on the attached Service List, via electronic mail, on July 18, 2013.



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